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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,304	06/13/2001	Craig S. Matteson	15528 US	5205

7590 12/16/2004  
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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/880,304	<b>Applicant(s)</b> MATTESON ET AL.	
	<b>Examiner</b> Pramila Parthasarathy	<b>Art Unit</b> 2136	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the communication filed on 10/11/2001. Claims 1 – 15 were received for consideration. No preliminary amendments to the specification were filed. Claims 1 – 15 are currently being considered.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (U.S. Patent Number 5,947,747).

Regarding Claim 1, Walker teaches and describes a method of creating and presenting a testing experience to a user comprising the steps of:

- a) selecting at least one survey assessment instrument (Column 4 line 17 – 67);
- b) selecting a user identification code (User ID) (Column 3 lines 50 – 65; Column 8 lines 53 – 63 and Column 10 lines 26 – 40);

c) selecting a personal identification number code (PIN) (Column 3 lines 50 – 65; Column 8 lines 53 – 63 and Column 10 lines 26 – 40);

d) associating the at least one instrument, the User ID and the PIN to create an experience (Column 8 lines 53 – 63; Column 9 lines 4 – 22; Column 10 lines 26 – 40 and Column 11 line 1 – 13);

e) storing the experience in a database (Column 8 lines 53 – 63; Column 9 lines 4 – 22 and Column 10 lines 26 – 40);

f) providing the User ID and the PIN to a selected user (Column 3 lines 50 – 65);

g) providing access to the database through a web site (Column 4 lines 49 – 67 and Column 16 lines 27 – 45);

h) upon connection of the selected user to the web site and entry of the User ID and the PIN by the selected user, confirming the association of the User ID with the PIN (Column 15 line 31 – Column 16 line 11); and

i) permitting the selected user to remotely view and interact with the at least one instrument after confirmation of association of the User ID and the PIN (Column 5 lines 1 – 7 and Column 16 lines 12 – 24).

Regarding Claim 10, Walker teaches and describes a method of creating/ and presenting a testing experience to a user comprising the steps of:

j) selecting at least two survey assessment instruments (Column 4 line 17 – 67);

k) selecting a user identification code (User ID) (Column 3 lines 50 – 65; Column 8 lines 53 – 63 and Column 10 lines 26 – 40);

l) selecting a personal identification number code (PIN) (Column 3 lines 50 – 65; Column 8 lines 53 – 63 and Column 10 lines 26 – 40);

m) associating the at least two instruments, the User ID and the PIN to create an experience (Column 8 lines 53 – 63; Column 9 lines 4 – 22; Column 10 lines 26 – 40 and Column 11 line 1 – 13);

n) storing the experience in a database (Column 8 lines 53 – 63; Column 9 lines 4 – 22 and Column 10 lines 26 – 40);

o) providing the User ID and the PIN to a selected user (Column 3 lines 50 – 65);

p) providing access to the database through a web site (Column 4 lines 49 – 67 and Column 16 lines 27 – 45);

q) upon connection of the selected user to the web site and entry of the User ID and the PIN by the selected user, confirming the association of the User ID with the PIN (Column 15 line 31 – Column 16 line 11); and

r) permitting the selected user to remotely view and interact with the at least two instruments after confirmation of association of the User ID and the PIN (Column 5 lines 1 – 7 and Column 16 lines 12 – 24).

Regarding Claim 11, Walker teaches and describes an apparatus for creating and presenting a testing experience to a remotely located user comprising:

a means usable by an administrator for selecting at least one survey assessment instrument, a user identification code (User ID) and a personal identification code (PIN) and associating said at least one instrument, said User ID and said PIN in an

experience (Column 8 lines 53 – 63; Column 9 lines 4 – 22; Column 10 lines 26 – 40 and Column 11 line 1 – 13);

a means for storing the experience connected to said means for selecting (Column 8 lines 53 – 63; Column 9 lines 4 – 22 and Column 10 lines 26 – 40); and

a means for maintaining a web site connected to said means for storing whereby when a user accesses the web site with the User ID and PIN, said means for maintaining confirms the association of the User ID with the Pm and permits the user to remotely view and interact with the at least one instrument after confirmation of the association of the User ID and the PIN (Column 5 lines 1 – 7 and Column 15 line 31 – Column 16 line 24).

Claims 2 and 14 are rejected applied as above in rejecting Claims 1 and 11. Furthermore, Walker teaches and describes a method of creating and presenting a testing experience to a user wherein step a) is performed by creating a dynamic survey assessment instrument (DSAI) as the at least one survey assessment instrument (Column 4 line 17 – 67 and Column 16 line 59 – Column 17 line 15);

Claims 3 and 15 are rejected applied as above in rejecting Claims 1 and 11. Furthermore, Walker teaches and describes a method of creating and presenting a testing experience to a user wherein step a) is performed by obtaining a third party survey assessment instrument (TPSAI) as the at least one survey assessment instrument (Column 9 lines 4 – 36).

Claims 4 and 12 are rejected applied as above in rejecting Claims 1 and 11. Furthermore, Walker teaches and describes a method of creating and presenting a testing experience to a user including associating rule and threshold settings with the at least one instrument in the experience (Column 3 line 66 – Column 4 line 67 and Column 9 lines 17 – 36).

Claim 6 is rejected applied as above in rejecting Claim 1. Furthermore, Walker teaches and describes a method of creating and presenting a testing experience to a user including performing the steps b), c), d), t), h) and i) for each of a plurality of selected users (Column 6 lines 42 – 59 and Column 28 – 36).

Claim 7 is rejected applied as above in rejecting Claim 1. Furthermore, Walker teaches and describes a method of creating and presenting a testing experience to a user including performing the step a) by selecting at least one other survey assessment instrument and performing the step d) by associating the at least one other survey assessment instrument with the at least one instrument, the User ID and the PIN to create the experience (Column 8 lines 53 – 63; Column 9 lines 4 – 22; Column 10 lines 26 – 40 and Column 11 line 1 – 13).

Claim 8 is rejected applied as above in rejecting Claim 1. Furthermore, Walker teaches and describes a method of creating and presenting a testing experience to a

user wherein step c) is performed by generating the PIN with a random PIN generator (Column 3 line 50 – 65).

Claim 9 is rejected applied as above in rejecting Claim 1. Furthermore, Walker teaches and describes a method of creating and presenting a testing experience to a user wherein the step t) is performed by sending the User ID and the PIN to the selected user in an e-mail message (Column 3 line 50 – 65).

Claims 5 and 13 are rejected applied as above in rejecting Claims 1 and 11. Furthermore, Walker teaches and describes a method of creating and presenting a testing experience to a user including creating the rule and threshold settings as at least one of instrument score limits, order of the instrument presentation, conditional order of the instrument presentation and experience termination guidelines (Column 16 line 59 – Column 17 line 39 and Column 18 lines 50 – 61).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m..




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy  
December 08, 2004.

  
AU2131  
12/10/04